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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/900,827  
Filing Date: July 06, 2001  
Appellant(s): SCHWAB ET AL.

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SCHWAB ET AL.  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/06/08 appealing from the Office  
action mailed 07/06/07.(1) **Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The amendment after final rejection filed on 10/08/07 has not been entered.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5636267                      Utsumi et al.

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Utsumi et al (US 5,636,267).

Regarding claim 3, Utsumi teaches a communication device (figure 1, shows a personal computer- col. 4, lines 58-60) having a speed dial function (although Utsumi does not specifically disclose a "speed dial function", Utsumi discloses a CPU processing calls from a list, therefore speeding up the dialing process), including the steps of storing a plurality of telephone numbers in the device in a list of numbers to be dialed (col. 5, lines 6-10) and entering an abbreviated command to sequence through the list to dial each stored number (col. 4, lines 14-20, Utsumi teaches a "call command" at step 100) and automatically deleting a number from the list after a call to that number has been completed (abstract and col. 1, lines 52-57).

Regarding claim 5, Utsumi teaches the step of leaving a number on the list for later recall if the call to that number could not be completed at the time it was dialed (col. 5, lines 26-64).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,636,267).

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Utsumi et al (US 5,636,267). Regarding claims 6 and 7, Utsumi fails to specifically disclose the abbreviated command either entered manually or spoken by a user (although it should be noted that Utsumi does disclose a call command). Official notice is taken that it is well known in the art to use call commands in either manual or spoken entry methods. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to either use manual or user spoken redial entry with Utsumi's cleaning method/system for telephone number list in order to provide the computer user of Utsumi with a wide array of call entry sequences.

**(10) Response to Argument**

Appellant's argument with respect to claims 6 and 7 under 35 USC 103(a) over Utsumi (5,636,267) on the grounds that it would provide Utsumi "with a wide array of call entry sequences." Appellant argues the whole point of Utsumi is automated call-list "cleaning" and that forcing a user to manually enter an abbreviated command or speak an abbreviated command would slow down Utsumi's process and would therefore not be an obvious modification.

With respect to appellant's argument, the examiner respectfully disagrees. The examiner first points to the Utsumi reference, despite the appellant's assertion that manual operation of the Utsumi device would prove to be "slowing down" the operation of the device, the examiner points specifically to Col.5 line 6-10 of Utsumi. Utsumi specifically discloses wherein the cleaning command (deleting of the phone numbers on the device's internal memory list) is "given by designating a list name through a keyboard." Despite the appellant's argument's regarding "....does not make sense to interrupt this with a manual or spoken command." The Utsumi reference clearly discloses wherein a manual command is an essential step in the process.

The steps of the "Call cleaning process" are then described in detail in Fig.2 as well as Col.5 line 14-20. The first step is step 100, a call command is performed. The call command consists of the user (manually) picking a number from a list and transmitting a dial signal of the telephone number to the public telephone network.

The examiner respectfully disagrees with appellant's argument that the whole point of Utsumi is automated call-list "cleaning" and that forcing a user to manually enter

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an abbreviated command or speak an abbreviated command would slow down Utsumi's process, because the Utsumi reference not only discloses wherein the cleaning process consists a dialing command, but also that the reference continues to disclose wherein the user manually enters the command to begin the call cleaning command.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Respectfully submitted,

/Richard Chan/

Examiner, Art Unit 2618

Conferees:

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618